

United States District Court, Northern District of Illinois

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|-----------------------------------------------|------------------------------------------|-----------------------------------------------|-----------|
| Name of Assigned Judge or Magistrate Judge | Joan H. Lefkow | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 08 C 2703 | DATE | 6/27/2008 |
| CASE TITLE | Ramos vs. Playtex Products, Inc., et al. | | |

DOCKET ENTRY TEXT

Defendant Learning Curve Brand, Inc.'s motion [52] for reassignment and consolidation of related Case No. 08 C 3352 is granted.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The complaints in the captioned case, in *Scalia v. Playtex Products*, No. 08 C 2828, and in *Smith v. Playtex Products, Inc.*, No. 08 C 3352, are identical in all material respects. All are against the same defendants. All are putative class actions filed on behalf of purchasers of like containers that are used in providing food to infants. All allege unfair and deceptive business practices, breach of implied warranty, negligence, and unjust enrichment. The complaints satisfy the requirements of Rule 41(a) that the claims grow out of the same occurrence (the marketing and distribution of the products); the alleged classes involved in the two cases are the same; and the cases involve the same issues of fact or law (indeed, as stated, the allegations are all but identical). The complaints also satisfy the requirement of LR 40.4(b) because all are pending in this court; judicial economy would be served by having all cases heard by a single judge so as to avoid duplication of effort and the possibility of inconsistent outcomes; the lower numbered case has not progressed to the point where designating the later filed case as related would be likely to delay the proceedings; and the cases are susceptible of disposition in a single proceeding because the issues of fact and law appear to be the same. *Scalia* was reassigned as related to the captioned case on June 20, 2008 [33]. This case, likewise, should be reassigned from the calendar of Judge Kendall as a related case. Defendant Medela, Inc's request to reserve its right to assert the existence of individual issues in support of a motion to sever the claims against Medela, and in a motion to decertify and/or in opposition to class certification is granted.

Courtroom Deputy
Initials:

MD